

33546
DO

SERVICE DATE - MAY 14, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 631X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN SUMMIT COUNTY,
OH

Decided: May 13, 2003

CSX Transportation, Inc. (CSXT), filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a line of railroad, known as the Lumber Lead, extending from former Conrail milepost 11.49 to a point at or near former Conrail milepost 11.56, a distance of approximately 0.07 of a mile, in Summit County, OH. Notice of the exemption was served and published in the Federal Register on April 15, 2003 (68 FR 18327-28). The exemption is scheduled to become effective on May 15, 2003.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on April 18, 2003. In the EA, SEA recommends that the following conditions be imposed on any decision granting abandonment authority. The first condition requires that CSXT shall consult with the National Geodetic Survey (NGS) and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers. The second condition, which addresses the concerns raised by the U.S. Fish and Wildlife Service (FWS), requires that CSXT shall: (a) if its salvage activities will affect trees, save trees exhibiting the characteristics of Indiana bat (*Myotis sodalis*) summer habitat (dead or live trees and snags with peeling or exfoliating bark, split tree trunk and/or branches, or cavities, which may be used as maternity roost areas, and live trees that have exfoliating bark) and surrounding trees wherever possible, or not cut those trees between April 15 and September 15 without first conducting a survey in coordination with FWS's Endangered Species Coordinator; (b) contact the Ohio Division of Wildlife prior to salvage to determine the location(s) of the bald eagle (*Haliaeetus leucocephalus*) nest(s) in the county and consult with FWS if any nests are located within a half-mile of the area of the proposed abandonment; (c) examine the area of the proposed abandonment prior to salvage to determine whether eastern massasauga (*Sistrurus catenatus*) habitat is present (holes, crayfish burrows, foraging area, or basking sites), and, if massasauga habitat is present, CSXT shall consult with FWS; (d) take precautions during salvage to minimize water quality impacts and impacts to high quality fish and wildlife habitats, such as forests, streams, and wetlands; and (e) mulch and revegetate all areas disturbed during salvage with native plant species to prevent the invasion of non-native plant species. Comments to the EA were due by May 2, 2003. No comments were received by the due date. Accordingly, the environmental conditions recommended by SEA in the EA will be imposed.

As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the notice served and published in the Federal Register on April 15, 2003, exempting the abandonment of the line segment described above is subject to the conditions that: (1) CSXT shall consult with the NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers; and (2) CSXT shall: (a) if its salvage activities will affect trees, save trees exhibiting the characteristics of Indiana bat (*Myotis sodalis*) summer habitat (dead or live trees and snags with peeling or exfoliating bark, split tree trunk and/or branches, or cavities, which may be used as maternity roost areas, and live trees that have exfoliating bark) and surrounding trees wherever possible, or not cut those trees between April 15 and September 15 without first conducting a survey in coordination with FWS's Endangered Species Coordinator; (b) contact the Ohio Division of Wildlife prior to salvage to determine the location(s) of the bald eagle (*Haliaeetus leucocephalus*) nest(s) in the county and consult with FWS if any nests are located within a half-mile of the area of the proposed abandonment; (c) examine the area of the proposed abandonment prior to salvage to determine whether eastern massasauga (*Sistrurus catenatus catenatus*) habitat is present (holes, crayfish burrows, foraging area, or basking sites), and, if massasauga habitat is present, CSXT shall consult with FWS; (d) take precautions during salvage to minimize water quality impacts and impacts to high quality fish and wildlife habitats, such as forests, streams, and wetlands; and (e) shall mulch and revegetate all areas disturbed during salvage with native plant species to prevent the invasion of non-native plant species.
3. This decision is effective on the date of service.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary